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EXAMINER

NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,504

Applicant(s)

GAXIOLA ET AL.

Examiner

Thu Ha T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims **1-43** are presented for examination.
2. Claims 1, 10-43 are currently amended.

Claim Objections

3. Claim 17 is objected to because of the following informalities:

Claim 17 recited the limitation "the remote service provider", page 5, line 5.

There is lack of antecedent basis for this limitation in this claim.

Appropriate correction is required.

Response to Arguments

4. Applicant's arguments filed May 20, 2005 have been fully considered but they are not persuasive because of the following reasons:

5. Applicant argues that Pan does not teach or suggest a home network. In response to applicant's argument, examiner asserts that this limitation is currently amended, thus the amendment is moot in view of the new ground(s) of rejection.

6. Applicant argues that there is no motivation to combine the Pan and Husain references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case,

the reason to include the feature of analyzing the amount of memory space, as disclosed by Husain into Pan and Sparrell system because it would provide an efficient system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers (see Husain paragraphs 0068, 0072).

7. As a result, cited prior art does disclose a system and method for remote management of network device resources, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

8. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 10, 17, 28 and 37. Claims 2-9, 11-16, 18-27, 29-36, and 38-43 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in this office action [see rejection below]. Accordingly, claims 1-43 are rejected.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 9-11, 14-18, 23-30, 36-38, and 41-43 are rejected under 35 U.S.C. §103 (a) as being unpatentable over **Pan et al.** (hereinafter Pan) U.S. Patent No. **6,775,701**, in view of **Sparrell et al.** (hereinafter Sparrell) U.S. Publication No. **2004/0268407**.

11. As to claim 1, **Pan** teaches the invention substantially as claimed, including a method comprising:

receiving a communication that a service is to be used on a remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to perform a resource management operation on the remote device in response to the communication (col. 3, lines 28-54); and

performing the resource management operation on the remote device (col. 4, lines 30-col. 5, lines 6).

However, **Pan** does not explicitly teach a device coupled to a home network.

Sparrell teaches devices (figure 1, devices 18, 20, 24, 26, 32, 50, 52) coupled to a home network (figure 1, home network 10, paragraphs 0056-0060). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a home network, as disclosed by **Sparrell**, into **Pan** system because it would provide an improved system to control, allocate and manage distributed network.

resource in home network (paragraph 0018).

12. As to claim 2, **Pan** teaches the invention as claimed in claim 1, wherein the receiving comprises receiving service log information (col. 5, lines 42-65, col. 6, lines 14-34).

13. As to claim 3, **Pan** teaches the invention as claimed in claim 2, wherein the determining comprises analyzing the service log information to determine a usage pattern of a user of the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

14. As to claim 9, **Pan** teaches the invention as claimed in claim 1, wherein the performing resource management comprises preventing installation of a software component (col. 5, lines 65-col. 6, lines 34).

15. As to claim 10, **Pan** teaches the invention substantially as claimed, including a method comprising:

receiving an usage intention signal from a remote device, the usage intention signal indicating a service to be executed on the remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to performs a resource management operation on the remote device in response to the usage intention signal (col. 3, lines 28-54); and

communicating with the network resource manager to perform a resource management operation (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach the remote service provider. However, **Pan** teaches client device communicates with a network resource manager to perform a resource management operation (figures 1, 2, col. 3, lines 28-54).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to perform a resource management operation. Thus, **Pan** teaches a network resource manager 11 (figure 1) equivalent to remote service provider as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

However, **Pan** does not explicitly teach a device coupled to a home network.

Sparrell, teaches devices (figure 1, devices 18, 20, 32, 24, 26, 50, 52) coupled to a home network (figure 1, home network 10, paragraphs 0056-0060). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a home network, as disclosed by **Sparrell**, into **Pan** system because it would provide an improved system to control, allocate and manage distributed network resource in home network (paragraph 0018).

16. As to claim 11, **Pan** teaches the invention as claimed in claim 10, wherein the determining whether to communicate is based on a resource available on the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

17. As to claim 14, **Pan** teaches the invention as claimed in claim 10, further comprising: collecting service log information, the service log information to be used to analyze a usage pattern (col. 5, lines 42-65, col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

18. As to claim 15, **Pan** teaches the invention as claimed in claim 14, wherein the service log information is stored in a user preference database (col. 5, lines 42-65, col. 6, lines 14-34).

19. As to claim 16, **Pan** does not explicitly teach remote service provider. However, **Pan** teaches providing the service log information to network resource manager (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

20. As to claim 17, **Pan** teaches the invention substantially as claimed, including a system, comprising:

a local device coupled to a network, the local device including a service (figure 1, col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48); and

a network resource manager perform a resource management operation upon a resource event (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach a remote service provider is configured to perform a resource management operation on the local device.

However, **Pan** teaches a network resource manager (11) performs a resource management operation (figure 2, col. 4, lines 30-col. 5, lines 6, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) performs a resource management operation equivalent to the feature of the remote service provider is configured to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

Pan does not explicitly teach a device coupled to a home network.

Sparrell, teaches devices (figure 1, devices 18, 20, 32, 24, 26, 50, 52) coupled to a home network (figure 1, home network 10, paragraphs 0056-0060). It would have been obvious to one or ordinary skill in the art at the time of the invention was made to

incorporate a home network, as disclosed by **Sparrell**, into **Pan** system because it would provide an improved system to control, allocate and manage distributed network resource in home network (paragraph 0018).

21. As to claim 18, **Pan** does not explicitly teach a remote service provider analyzes a resource on the local device to determine whether to perform the resource management operation. However, **Pan** teaches the invention as claimed, wherein the network resource manager analyzes a resource on the local device to determine whether to perform the resource management operation (col. 3, lines 28-54, col. 4, lines 30-col. 5, lines 6).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) to perform a resource management operation equivalent to the feature of the remote service provider analyzes a resource to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

22. As to claim 23, **Pan** teaches the invention as claimed in claim 17, wherein the perform the resource management operation comprises preventing the install of a software component (col. 5, lines 65-col. 6, lines 34).

23. As to claim 24, **Pan** does not explicitly teach the remote service provider. However, **Pan** teaches the network resource management analyzes usage patterns to determine whether to perform the resource management operation (col. 3, lines 28-54, col. 4, lines 30-col. 5, lines 6, col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses network resource manager (11) analyzes usage pattern to perform a resource management operation equivalent to the feature of the remote service provider analyzes the usage pattern to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

24. As to claim 25, **Pan** teaches the invention as claimed in claim 24, wherein the usage patterns are stored in a preference database (col. 5, lines 42-65, col. 6, lines 14-34).

25. As to claim 26, **Pan** teaches the invention as claimed in claim 17, further comprising: a profile monitor to receive a signal of the coupling of the local device and to communicate with the network resource management to perform the resource management operation (figure 1, col. 4, lines 30-col. 5, lines 6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses communicate with network resource manager

(11) to perform a resource management operation equivalent to the feature of communicating with the remote service provider to perform a resource management operation as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

26. As to claim 27, **Pan** teaches the invention as claimed in claim 26, wherein the communication with the network resource management comprises providing service log information to the network resource management (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

27. As to claim 28, **Pan** teaches the invention substantially as claimed, including a machine-readable medium having executable instructions to cause a machine to perform a method comprising:

receiving a communication that a service is to be used on a remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to perform a resource management operation on the remote device in response to the communication (col. 3, lines 28-54); and

performing the resource management operation on the remote device (col. 4, lines 30-col. 5, lines 6).

However, **Pan** does not explicitly teach a device coupled to a home network.

Sparrell, teaches devices (figure 1, devices 18, 20, 32, 24, 26, 50, 52) coupled to a home network (figure 1, home network 10, paragraphs 0056-0060). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a home network, as disclosed by **Sparrell**, into **Pan** system because it would provide an improved system to control, allocate and manage distributed network resource in home network (paragraph 0018).

28. As to claim 29, **Pan** teaches the invention as claimed in claim 28, wherein the receiving comprises receiving service log information (col. 5, lines 42-65, col. 6, lines 14-34).

29. As to claim 30, **Pan** teaches the invention as claimed in claim 29, wherein the determining comprises analyzing the service log information to determine a usage pattern of a user of the remote device (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

30. As to claim 36, **Pan** teaches the invention as claimed in claim 28, wherein the performing resource management comprises preventing installation of a software component (col. 5, lines 65-col. 6, lines 34).

31. As to claim 37, **Pan** teaches the invention substantially as claimed, including a machine-readable medium having executable instructions to cause a machine to perform a method comprising:

receiving an usage intention signal from a remote device, the usage intention signal indicating a service to be executed on the remote device (col. 2, lines 48-col. 3, lines 27, col. 4, lines 30-48);

determining whether to communicate with a network resource management that performs a resource management operation on the remote device in response to the usage intention signal (col. 3, lines 28-54); and

communicating with the network resource management to perform a resource management operation (col. 4, lines 30-col. 5, lines 6).

Pan does not explicitly teach the remote service provider. However, **Pan** teaches communicating with a network resource manager to perform a resource management operation (figures 1, 2, col. 3, lines 28-54).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to perform a resource management operation. Thus the network resource manager 11 (figure 1) is equivalent to the remote

service provider as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result.

However, **Pan** does not explicitly teach a device coupled to a home network.

Sparrell, teaches devices (figure 1, devices 18, 20, 32, 24, 26, 50, 52) coupled to a home network (figure 1, home network 10, paragraphs 0056-0060). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to incorporate a home network, as disclosed by **Sparrell**, into **Pan** system because it would provide an improved system to control, allocate and manage distributed network resource in home network (paragraph 0018).

32. As to claim 38, **Pan** teaches the invention as claimed in claim 37, wherein the determining whether to communicate is based on a resource available on the remote device (col. 4, lines 30-col. 5, lines 6, col. 5, lines 42-col. 6, lines 34).

33. As to claim 41, **Pan** teaches the invention as claimed in claim 37, further comprising: collecting service log information, the service log information to be used to analyze a usage pattern (col. 6, lines 14-34, col. 11, lines 21-col. 12, lines 56).

34. As to claim 42, **Pan** teaches the invention as claimed in claim 37, wherein the service log information is stored in a user preference database (col. 5, lines 42-65, col. 6, lines 14-34).

35. As to claim 43, **Pan** teaches the invention as claimed in claim 37, wherein the communicating comprises providing the service log information to the network resource management (col. 5, lines 41-64). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Pan** implicitly discloses client device 14 communicates with network resource manager (11) to provide service log information equivalent to the feature of providing service log information to the remote service provider disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Pan** performs the same function in substantially the same way to reach substantially the same result).

36. Claims 4-8, 12-13, 19-22, 31-35, and 39-40 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Pan et al.** (hereinafter **Pan**) U.S. Patent No. **6,775,701**, and **Sparrell et al.** (herein after **Sparrell**) U.S. Publication No. **2004/0268407**, further in view of **Husain et al.** (hereinafter **Husain**) U.S. Publication No. **2003/0126260**.

37. As to claim 4, **Pan and Sparrell** system discloses a method as claimed in claim 1. However, **Pan and Sparrell** system does not explicitly teach the feature of analyzing the amount of memory space on the remote device. **Husain** teaches the determining comprises analyzing the amount of memory space on the remote device (abstract, paragraphs 0069, 0072).

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It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of analyzing the amount of memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers (see Husain paragraphs 0068, 0072).

38. As to claim 5, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 5; however, **Husain** teaches wherein the determining comprises analyzing the amount of storage space on the remote device (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of analyzing the amount of storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

39. As to claim 6, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 6. However, **Husain** teaches wherein the performing resource management comprises unloading a software component from the remote device (abstract, paragraphs 0079, 0082).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan and Sparrell and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

40. As to claim 7, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 7. However, **Husain** teaches wherein performing resource management comprises unloading a content file from the remote device (abstract, paragraphs 0079, 0082).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a content file because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on

networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

41. As to claim 8, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 8. However, **Husain** teaches wherein the performing resource management comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

42. As to claim 12, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 12. However, **Husain** teaches wherein the resource comprises a memory space (abstract, paragraphs 0069, 0072). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include a memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a

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resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

43. As to claim 13, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 13. However, **Husain** teaches wherein the resource comprises a storage space (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include a storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

44. As to claim 19, **Pan and Sparrell** system does not explicitly teach the resource selected from the group consisting of a memory space and storage space. However, **Husain** the resource manager analyzes the resource selected from the group consisting of a memory space and storage space (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include a memory space and a storage space because it would have an efficient communications system for managing resources in a networked computers that

can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

45. As to claim 20, **Pan and Sparrell** system does not explicitly teach the invention as claimed; however, **Husain** teaches wherein the perform the resource management operation comprises unloading a software component from the local device (abstract, paragraphs 0079, 0082).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

46. As to claim 21, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 21. However, **Husain** teaches wherein the perform the resource management operation comprises unloading a content file from the local device (abstract, paragraphs 0079, 0082).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and**

Husain to include the feature of unloading a content file because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

47. As to claim 22, **Pan and Sparrell** system does not explicitly teaches the invention as claimed in claim 22. However, **Husain** teaches wherein the perform the resource management operation comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

48. As to claim 31, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 31. However, **Husain** teaches wherein the determining comprises analyzing the amount of memory space on the remote device (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of analyzing the amount of memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

49. As to claim 32, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 32. However, **Husain** teaches wherein the determining comprises analyzing the amount of storage space on the remote device (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of analyzing the amount of storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

50. As to claim 33, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 33. However, **Husain** teaches wherein the performing

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resource management comprises unloading a software component from the remote device (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

51. As to claim 34, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 34. However, **Husain** teaches wherein performing resource management comprises unloading a content file from the remote device (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a content file because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

52. As to claim 35, **Pan and Sparrell** system does not specifically teach the invention as claimed in claim 35. However, **Husain** teaches wherein the performing resource management comprises unloading a conflicting software component (abstract, paragraphs 0015, 0085-0086, 0097).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the feature of unloading a conflicting software component because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

53. As to claim 39, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 39. However, **Husain** teaches wherein the resource comprises a memory space (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include the resource comprises a memory space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive

scheduling of resources to user computers).

54. As to claim 40, **Pan and Sparrell** system does not explicitly teach the invention as claimed in claim 40. However, **Husain** teaches wherein the resource comprises a storage space (abstract, paragraphs 0069, 0072).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Pan, Sparrell and Husain** to include a resource includes a storage space because it would have an efficient communications system for managing resources in a networked computers that can monitor, manage and determine a resource management operation based on networked computers performance/data related to computers thus perform proactive scheduling of resources to user computers.

Conclusion

55. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

56. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thu Ha Nguyen

August 15, 2005


BHARAT BAROT
PRIMARY EXAMINER